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9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 IRMA BARBOSA and CECILIA MATA, on
13 behalf of themselves and those similarly
14 situated,

15 Plaintiffs

16 vs.

17 DELTA PACKING COMPANY OF LODI,
18 INC. AKA "DELTA FRESH"; SALINAS
19 FARM LABOR CONTRACTOR, INC.;
20 ERNIE COSTAMAGNA, an individual,
ANNAMARIE COSTAMAGNA, an
individual, and DOES 1-20

21 Defendants.
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23
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Case No. 2:20-cv-01096-TLN-KJN

**STIPULATION AND ORDER TO
MODIFY CLASS CERTIFICATION
BRIEFING SCHEDULE**

Trial Date: Not Set

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8 AKA "DELTA FRESH," ERNIE COSTAMAGNA, and
ANNAMARIE COSTAMAGNA

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16 Attorneys for Defendant, SALINAS FARM LABOR CONTRACTOR, INC.

1 This stipulation (“Stipulation”) is made between Plaintiffs Irma Barbosa and Cecilia Mata,
2 on behalf of themselves and those similarly situated, and Defendants Delta Packing Company of
3 Lodi, Inc. also known as “Delta Fresh,” Salinas Farm Labor Contractor, Inc., Ernie Costamagna,
4 and Annamarie Costamagna (hereinafter collectively, “Parties”), based on the
5 following:

6 **RECITALS**

7 1. Plaintiffs filed their Class Action and FLSA Complaint against Defendants on May
8 29, 2020. Three days later, on June 1, 2020, the Court issued an Initial Pretrial Scheduling Order
9 pursuant to Rule 16 of the Federal Rules of Civil Procedure (Dkt. No. 3.) The Initial Pretrial
10 Scheduling Order stated that “All discovery, with the exception of expert discovery, shall be
11 completed no later than two hundred forty (240) days from the date upon which the last answer
12 may be filed with the Court pursuant to the Federal Rules of Civil Procedure.” Defendants
13 consented to Plaintiffs’ request to waive service of summons pursuant to Federal Rule of Civil
14 Procedure 4.

15 2. On April 26, 2021, the Court granted the Parties' Stipulation to modify the Initial
16 Scheduling Order and ordered the parties to complete all class discovery by April 21, 2022, and
17 file for Class Certification by July 21, 2022.

18 3. Discovery has since been completed and Plaintiffs are awaiting the putative
19 class/witness list after the Belaire notice process is completed. There is good cause to modify the
20 Class Certification Briefing Schedule because Defendants provided the employee class data to
21 Phoenix Class Action Administration Solutions on June 13, 2022. According to the proposed
22 timeline provided by Phoenix, the list of putative class members who agree to disclose their
23 information to Class Counsel will not be provided until July 25, 2022, four (4) days after Plaintiffs'
24 deadline to file a motion for Class Certification on July 21, 2022. Plaintiffs require the list of
25 putative class members that do not opt-out of disclosure in order to have an adequate opportunity
26 to investigate, present evidence, and brief issues related to class certification.

27 **STIPULATION**

28 NOW THEREFORE, the Parties hereby agree and stipulate that, subject to the Court’s
order, the Class Certification Brief Scheduling is to be modified as follows:

(a) Plaintiffs must file for Class Certification by September 19, 2022.

SO STIPULATED.

1 Dated: June 30, 2022

Respectfully Submitted,

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3 By: ___/s/_____

4 Hector Martinez
5 Gonzalo Quezada
6 MALLISON & MARTINEZ
Attorneys for Plaintiffs

7 Dated: June 30, 2022

8 By: ___/s/_____

9 Christina Tillman
10 MCCORMICK, BARSTOW,
11 SHEPPARD, WAYTE &
CARRUTH LLP
Attorneys for Defendants

12
13 Dated: June 30, 2022

14 By: ___/s/_____

15 Patrick Moody
16 BARSAMIAN & MOODY
Attorneys for Defendants

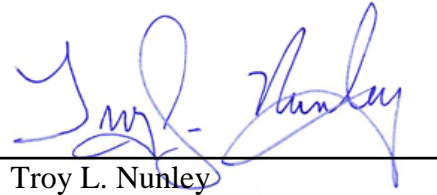
ORDER

After consideration of the Stipulation, the Court's file in this action, and good cause appearing to modify the Class Certification Motion Scheduling Order (Dkt. No. 3), the Court modifies the Class Certification Motion Scheduling Order as follows:

(a) Plaintiffs must file for Class Certification by September 19, 2022.

IT IS SO ORDERED.

Dated: July 1, 2022


Troy L. Nunley
United States District Judge